



## *Report to the Auburn City Council*

|                         |    |
|-------------------------|----|
| Action Item             | 13 |
| Agenda Item No.         |    |
| City Manager's Approval |    |

**To:** Mayor and City Council Members  
**From:** Lance E. Lowe, AICP, Associate Planner *fel*  
**Date:** June 25, 2012  
**Subject:** Reconsideration of the City's Temporary Sign Program

### *The Issue*

Should the City Council continue to direct the Community Development Director to utilize prosecutorial discretion in the application of the temporary sign requirements or should the City Council discontinue the temporary sign program?

### *Conclusions and Recommendations*

Staff recommends that the City Council take the following action:

Adopt Resolution 12-\_\_\_\_\_ thereby continuing to provide the Community Development Director with authority to utilize prosecutorial discretion in the application of the temporary sign requirements terminating ninety (90) days following effectuation of the City's Updated Sign Ordinance (**Exhibit A**).

### *History*

On March 23, 2009 the City Council adopted Resolution 09-30 directing the Community Development Director, for a period of 1-year, to temporarily relax the City of Auburn sign regulations related to temporary signs within Downtown, Old Town and Highway 49 Business Districts (**Attachments 7 & 8**).

On July 12, 2010 the City Council adopted Resolution No. 10-88, which repealed Resolution No. 09-30 relaxing temporary signage regulations, and commenced enforcement of temporary signage in sixty (60) days from the date of adoption (**Attachments 9 & 10**).

### *Background*

On April 11, 2011, the City Council adopted Resolution 11-45 which repealed Resolution 10-88 thereby extending the temporary sign program for an additional year terminating April 11, 2012 (**Attachments 1 & 2** – City Council Staff Report dated April 11, 2011 and April 11, 2011 Minutes).

Prior to the expiration of the sign program on April 11, 2012, staff had contacted the Old Town, Downtown and Highway 49 Business Associations to ascertain their position on whether or not the City should extend the City's temporary sign program.

Correspondence received from the Hwy 49 and Downtown Business Associations on March 8 and May 11, 2012 respectively indicate that both Associations' have not had any issues with temporary signage and recommend that the City extend the temporary sign program.

Correspondence received from the Old Town Business Association on April 3, 2012 prefers that the City cease the temporary sign program, and recommends that size and duration limitations be imposed on "Grand Opening" signs (**Attachments 3-5**).

### **Analysis**

Since adoption of the interim temporary sign program in 2009, staff has witnessed additional banners and A-frame signs installed throughout town. However, with the exception of a few locations, the proliferation of these temporary signage displays has not occurred over the last three years.

Correspondence received from both Downtown and Highway 49 Business Associations' have indicated that they are in agreement with extending the temporary sign program. Additionally, the Downtown Business Association recommends that banners be allowed on an annual basis for 30 to 45 days. Conversely, the Old Town Business Association recommends that the City cease the temporary sign program and recommends that banners be allowed annually for 30 days.

As directed by the City Council, the Community Development Department is comprehensively updating the City's sign ordinance, in consultation with the Old Town, Downtown and Highway 49 Business Associations' as well as the Chamber of Commerce.

The sign ordinance update includes new provisions for temporary banners/pennant signs. Currently, the draft sign ordinance is more lenient than the current sign ordinance; consistent with the comments received from both the Old Town and Downtown Business Associations and Chamber of Commerce.

The target date for City Council consideration of the City's updated sign ordinance is in late August (**Attachment 6**). Should the City Council adopt the sign ordinance in late August, the sign ordinance will go into effect in late October; during the Holiday Season when additional temporary signage is commonly installed.

Accordingly, staff recommends that the temporary sign program be extended for a period of 90 days following effectuation of the City's updated sign ordinance. With a 90 day expiration from the updated sign ordinance timeframe, the new sign regulations would be enacted tentatively February 1, 2013 (after the Holiday Season concludes). The 90 day timeframe will allow additional temporary signage for the Holiday Season as well as allow business owners to acclimate themselves to the City's new temporary signage provisions.

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**Alternatives Available; Implications of Alternatives**

1. Adopt Resolution No. 12-\_\_\_\_ to extend the Temporary Sign Program for a period of 90 days following effectuation of the City's Updated Sign Ordinance.
2. Direct staff to bring back a Resolution to terminate the Temporary Sign Program.
3. Provide further direction to staff.

**Fiscal Impact**

Extension of the temporary sign program will have no impact on the General Fund.

**Additional Information**

Please see the following attachments for more details:

**ATTACHMENTS –**

1. City Council Staff Report dated April 11, 2011 w/o Attachments
2. City Council Minutes dated April 11, 2011
3. E-mail correspondence dated March 8, 2012 from Highway 49 Business Association
4. Correspondence dated March 20, 2012 from Old Town Business Association
5. Correspondence dated April 26, 2012 from Downtown Business Association
6. Sign Ordinance Update Task/Schedule

**ATTACHMENTS PROVIDED PREVIOUSLY TO CITY COUNCIL &  
ON FILE WITH THE COMMUNITY DEVELOPMENT**

7. City Council Staff Report dated March 23, 2009 with Attachments
8. City Council Minutes dated March 23, 2009
9. City Council Staff Report dated July 12, 2010 with Attachments
10. City Council Minutes dated July 12, 2010

**EXHIBIT –**

- A. Resolution No. 12-\_\_\_\_ extending the temporary sign program to end 90 days following effectuation of the City's updated Sign Ordinance.



# ATTACHMENTS



## Report to the Auburn City Council

|                         |   |
|-------------------------|---|
| Action Item             | 8 |
| Agenda Item No.         |   |
| City Manager's Approval |   |

|                 |  |
|-----------------|--|
| <b>To:</b>      | Mayor and City Council Members                                     |
| <b>From:</b>    | Wilfred Wong, Community Development Director                       |
| <b>Date:</b>    | April 11, 2011   |
| <b>Subject:</b> | Discussion and Reconsideration Relaxing Temporary Sign Regulations |

### The Issue

Should the City Council again direct the Community Development Department to temporarily relax the City of Auburn's sign regulations relating to temporary signs, or per Resolution No. 10-88 discontinue the relaxation of temporary sign regulations?

### Conclusions and Recommendations

To assist the City Council, staff has provided options for consideration:

- A. Take no action. Resolution No. 10-88 remains and enforcement of temporary signage will continue.
- B. By Resolution, repeal Resolution No. 10-88 and provide the Community Development Director with authority to utilize prosecutorial discretion in the application of the temporary sign requirements of the City of Auburn (**Exhibit A**). Note this would bring back the same program the City initiated in March 23, 2009.

### Background

Council Member Nesbitt requested this item be brought before the City Council for discussion and possible action.

On March 31, 2011 staff began mailing letters to businesses in Downtown and Old Town requesting removal of non-compliant banners and A-frame signs (**Attachment 1**). The letter explained that the City had temporarily relaxed the sign regulations in March 2009 and with the recommendation from both the Downtown and Old Town Business Associations, the City Council agreed that the program should be discontinued.

On July 12, 2010 the City Council adopted Resolution No. 10-88, which repealed Resolution No. 09-30 relaxing temporary signage regulations, and commenced enforcement of temporary signage.

On March 23, 2009 the City Council directed the Community Development Department, for a period of 1-year, to temporarily relax the City of Auburn sign regulations related to temporary signs within Downtown, Old Town and Highway 49 Business Districts.

For additional background information see **Attachments 2, 3 and 4** (Council Resolution No. 10-88, July 12, 2010 City Council minutes, and July 12, 2010 City Council staff report).

### **Analysis**

Staff has provided two possible options for Council consideration:

- A. Take no action. Resolution No. 10-88 remains and enforcement of temporary signage will continue.
- B. Repeal Resolution No. 10-88 and bring back the same program the City initiated in March 23, 2009 (**Exhibit A**). If the Council takes this action staff recommends the Council include a time period to report back to the Council how the program is working and to determine whether the program should be extended.

Staff has provided the options above to assist with the discussion and acknowledge the Council's desire to assist businesses during difficult economic times. Council can modify the options.

Staff will note that eventually the Council and business organizations will need to come together to decide when to end the relaxation of temporary signage. Even in the best economic times businesses desire temporary signage due to their size and cost compared to permanent signage. Most businesses appreciate consistency and an even playing field. Eventually, the community will need to decide what is the appropriate balance between the aesthetics of permanent and temporary signage.

### **Alternatives Available; Implications of Alternatives**

1. Take no action. Enforcement of temporary signage will continue.
2. Repeal Resolution No. 10-88 and bring back the same program the City initiated in March 23, 2009.
3. Provide further direction to staff.

### **Fiscal Impact**

Staff time for enforcement.

### **Additional Information**

Please see the following attachments for more details:

#### **ATTACHMENTS –**

1. March 31, 2011 staff letter to businesses informing them of their banners and A-frame signs.

2. City Council Resolution No. 10-88 repealing City Council Resolution No. 09-30 to relax temporary signage regulations and commencement of enforcement.
3. July 12, 2010 City Council minutes.
4. July 12, 2010 City Council staff report.

**EXHIBITS –**

- A. Resolution repealing Resolution No. 10-88 and bringing back the same program the City initiated in March 23, 2009.

6. **Annual SACOG Blueprint Project Comparison Report – 2010 Calendar Year**

Reg Murray presented this item. He explained the Blueprint Comparison Report is developed by Sacramento Area Council of Governments (SACOG) and is intended to promote good growth concepts for more livable communities. He identified projects within the City of Auburn that represent some of the policies and concepts contained in the report: (1) Tuscan Palms Townhomes, (2) Baltimore Ravine Specific Plan, (3) Auburn Streetscape Project, and (4) Mercy Auburn Senior Apartments.

Council Member questions followed regarding funding for the Mercy Auburn Senior Apartments.

7. **City Council Committee Reports**

Council Member Nesbitt reported that the events leading up to Amgen are coming together. He provided dates and locations for many of them.

Council Member Holmes reported that he attended a briefing with Congressman McClintock's staff regarding drafting of federal legislation for wastewater treatment plant responsibilities.

Council Member Holmes reported that as of the end of March the Carnegie Library Building is officially on the National Register of Historical Places.

Council Member Holmes reported two Auburn businesses received awards at the Placer County Economic Development breakfast.

Council Member Powers also reported on the Placer County Economic Development breakfast awards.

Council Member Holmes reported that SEDCorp approved adding a private sector representative to their board.

**COUNCIL BUSINESS**

8. **Reconsideration of Relaxing Temporary Sign Regulations**

Community Development Director Will Wong presented this item. He explained approximately 2 years ago the Council initiated a program to relax temporary signs for certain commercial areas within the City. He said in July of 2010, the Council terminated the program. Recently the City sent letters of enforcement to business owners.



Council Member Nesbitt said termination of the program was due to recommendations from business owners. He said because of the current economic situation this program the Council should consider resuming the program.

Council Member Powers asked if any business associations have submitted formal requests to the City asking for this program to be reinstated.

Council Member Holmes asked about enforcement procedures. He said businesses should have been contacted in person before receiving the notification letter.

Council Member Hanley asked about signage options for new businesses in Auburn. He also asked about enforcement of temporary sign regulations during the Amgen Tour of California (ATOC).

Will Wong explained the process of permanent sign approval for new businesses.

Mayor Kirby asked about the timing of enforcement. He also asked about enforcement as it relates to the ATOC event.

Reese Browning, a business owner in Auburn, spoke in favor of continuing the relaxation of the temporary sign regulations and revisiting the sign ordinance.

Dave Johnson, a business owner in Auburn, spoke in favor of the ability to use temporary signage to promote his business.

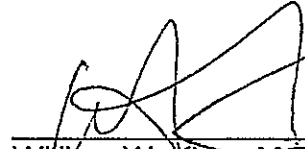
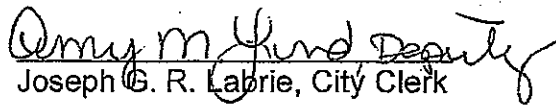
Council Member comments followed addressing: (1) the consensus of Old Town Business Association (OTBA) and Downtown Business Association (DBA), (2) letters of enforcement, (3) updating the sign ordinance, and (4) the period of time to relax sign regulations.

By **RESOLUTION 11-45**, repeal Resolution 10-88 and provide the Community Development Director with authority to utilize prosecutorial discretion in the application of the temporary sign requirements of the City of Auburn for one year.

By **MOTION**, direct the Community Development Department to work with the Community to develop a revised sign ordinance within one year.

**MOTION: Hanley/ Nesbitt/ Approved 5:0**

Mayor Kirby adjourned the meeting, without objection, at 8:03 p.m.

  
\_\_\_\_\_  
William W. Kirby, M.D., Mayor  
\_\_\_\_\_  
Joseph G. R. Labrie, City Clerk

**Lance Lowe****ATTACHMENT 3**

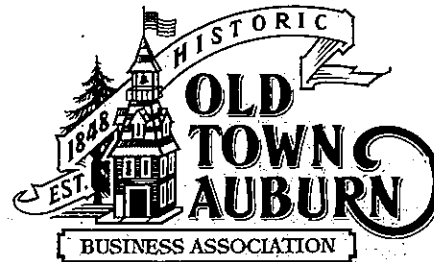
**From:** Jack Remington [jackr@andregg.com]  
**Sent:** Thursday, March 08, 2012 11:38 AM  
**To:** Lance Lowe  
**Subject:** Hwy 49 Business Association

Lance: You sent an e-mail Feb. 14<sup>th</sup> re: the City of Auburn's temporary banner program and asked for comments. The Hwy 49 Board met on Tuesday evening this week and to date there had not been any comments from our approx. 70 members. We felt that the current policy is good.

Best Regards,  
Jack Remington  
Planning Manager  
ANDREGG GEOMATICS



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A United States Federal-Certified Small Business # P0135335  
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We take your position precisely.



P.O. BOX 9145 AUBURN, CA 95604

March 20, 2012

Mr. Lance Lowe  
City of Auburn  
Associate Planner  
1225 Lincoln Way  
Auburn, CA 95603

RE: Sign/banner Ordinance

It's a well known fact that Old Town is a special place! Visitors come from far and near to have the experience of days gone by. Our historic buildings are preserved and our area has a great mix of dining and retail. Old Town is small by comparison to other business districts and, with clutter from banners, detracts from the historical look we strive to maintain.

It is the general opinion of the OTBA Board and some members that the City limit banners on size and duration of time, and that the City allow "Grand Opening" and other types of temporary signs for a 30 day period for a fee. And, that the City terminates the relaxed, temporary program with the proviso that there is a reasonable time period after the end of the program before enforcement would start.

Please keep us apprised of any amendments and changes.

Regards,

Linda Robinson  
Old Town President 2011-2012  
530-888-1585

RECEIVED  
APR 03 2012  
COMMUNITY DEVELOPMENT  
CITY OF AUBURN



**AUBURN  
DOWNTOWN BUSINESS  
ASSOCIATION**

[www.downtownauburnca.com](http://www.downtownauburnca.com)

PO BOX 244  
AUBURN, CA 95604

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CORRINE LEE  
CARI THACHUK  
LISA SWISLEY  
**SUPPORTING OUR  
DOWNTOWN TOGETHER**

Lance Lowe  
Associate Planner  
1225 Lincoln Way  
Auburn CA 95603

Mr Lowe,

The DBA has discussed the temporary banner program at our Board/General meeting. We haven't had any glaring issues with banners recently, and feel you could continue on relaxing the enforcement of the ordinance for another year.

There was discussion that the existing ordinance could be amended to allow for other than "Grand Opening Banners". If so on an annual basis we would encourage a cap of 30 to 45 days. We would most likely support any changes in that direction.

Please keep me informed of any changes if any  
Thank You

Jim Brill  
DBA President

ATTACHMENT 5  
**RECEIVED**  
MAY 11 2012  
COMMUNITY DEVELOPMENT  
CITY OF AUBURN  
April 26, 2012

# SIGN ORDINANCE UPDATE TASK/SCHEDULE ATTACHMENT 6

**May 25, 2012**

| Task   | Begin Date | End Date           | Duration           | Notes  |
|--|------------|--------------------|--------------------|--|
| 1. Present Sign Program Schedule to Planning Commission                        |            |                    | completed          |  |
| 2. Conduct Sign Regulations Surveys  |            |                    | completed          |  |
| 3. Prepare Administrative Draft Sign Ordinance, Major Items                    |            |                    | completed          |  |
| 4. Conduct Sign Inventory Survey   | 5-Mar      | subject to 6/5 mtg | subject to 6/5 mtg | Spreadsheet, identify issues, free-standing signs                                |
| 5. Discuss with City Attorney Legal Items                                      | 12-Mar     |                    | completed          | Amortization, sign copy, inventory   |
| 6. Planning Commission Meeting #1 (Identify impact on Design Guidelines)       | 20-Mar     |                    | completed          |  |
| 7. Letters to Chamber of Commerce, OTBA, DBA, Highway 49 Business Association  | 21-Mar     | 27-Mar             | completed          | Provide after each PC meeting. Provide update, explain process, next PC meeting. |
| 8. Planning Commission Meeting #2 (Identify impact on Design Guidelines)       | 17-Apr     |                    | completed          |  |
| 7. Letters to Chamber of Commerce, OTBA, DBA, Highway 49 Business Association  | 18-Apr     | 24-Apr             | completed          | Provide after each PC meeting. Provide update, explain process, next PC meeting. |
| 8. Expand Sign Inventory Survey  | 18-Apr     | subject to 6/5 mtg | subject to 6/5 mtg | Additional signs identified by Planning Commission on April 17, 2012             |
| 9. Amend Administrative Draft Sign Ordinance                                   | 18-Apr     | 16-May             | completed          |  |
| 10. City Attorney Review   |            |                    |                    | As needed  |
| 11. Planning Commission Meeting #3, Workshop Draft Sign Ordinance              | 5-Jun      |                    | 1 meeting          | Notify business organizations  |
| 12. Letters to Chamber of Commerce, OTBA, DBA, Highway 49 Business Association | 6-Jun      | 12-Jun             | 1 wk               | Provide after each PC meeting. Provide update, explain process, next PC meeting. |
| 13. Finalize Draft Sign Ordinance Update per PC Discussion                     | 6-Jun      | subject to 6/5 mtg |                    |  |
| 14. Prepare Environmental Review   | 6-Jun      | 20-Jun             | 2 wks              |  |
| 15. Sign Inventory Survey  | 6-Jun      | subject to 6/5 mtg | subject to 6/5 mtg | Finalize or expand inventory as needed   |
| 16. City Attorney Review   |            |                    |                    | As needed  |
| 17. If needed Planning Commission Workshop Draft Sign Ordinance                | 19-Jun     |                    | 1 meeting          | Notify business organizations  |
| 18. If needed Planning Commission Workshop Draft Sign Ordinance                | 3-Jul      |                    | 1 meeting          | Notify business organizations  |

# SIGN ORDINANCE UPDATE TASK/SCHEDULE

May 25, 2012

| Task   | Begin Date | End Date       | Duration  | Notes  |
|--|------------|----------------|-----------|--|
| 19. Letters to Chamber of Commerce, OTBA, DBA, Highway 49 Business Association | 5-Jul      | 12-Jul         | 1 wk      | Provide after each PC meeting. Provide update, explain process, next PC meeting. |
| 20 Finalize Draft Sign Ordinance Update per PC Discussion                      | 5-Jul      | 19-Jul         | 2 wks     |  |
| 21. City Attorney Review   |            |                |           | As needed  |
| 22. Planning Commission Legal Notice (1/8 page)                                | 20-Jul     | 25-Jul publish | 1 wk      | Minimum 10 day notice, newspaper minimum 3 days prior to publication             |
| 23. Planning Commission Public Hearing on Sign Ordinance Update                | 7-Aug      |                | 1 meeting |  |
| 24. City Council Legal Notice (1/8 page)                                       | 8-Aug      | 13-Aug publish | 1 wk      | Minimum 10 day notice, newspaper minimum 3 days prior to publication             |
| 25. City Council Public Hearing  | 27-Aug     |                | 1 meeting |  |

**ATTACHMENTS 7 – 10**

ON FILE WITH THE COMMUNITY  
DEVELOPMENT DEPARTMENT

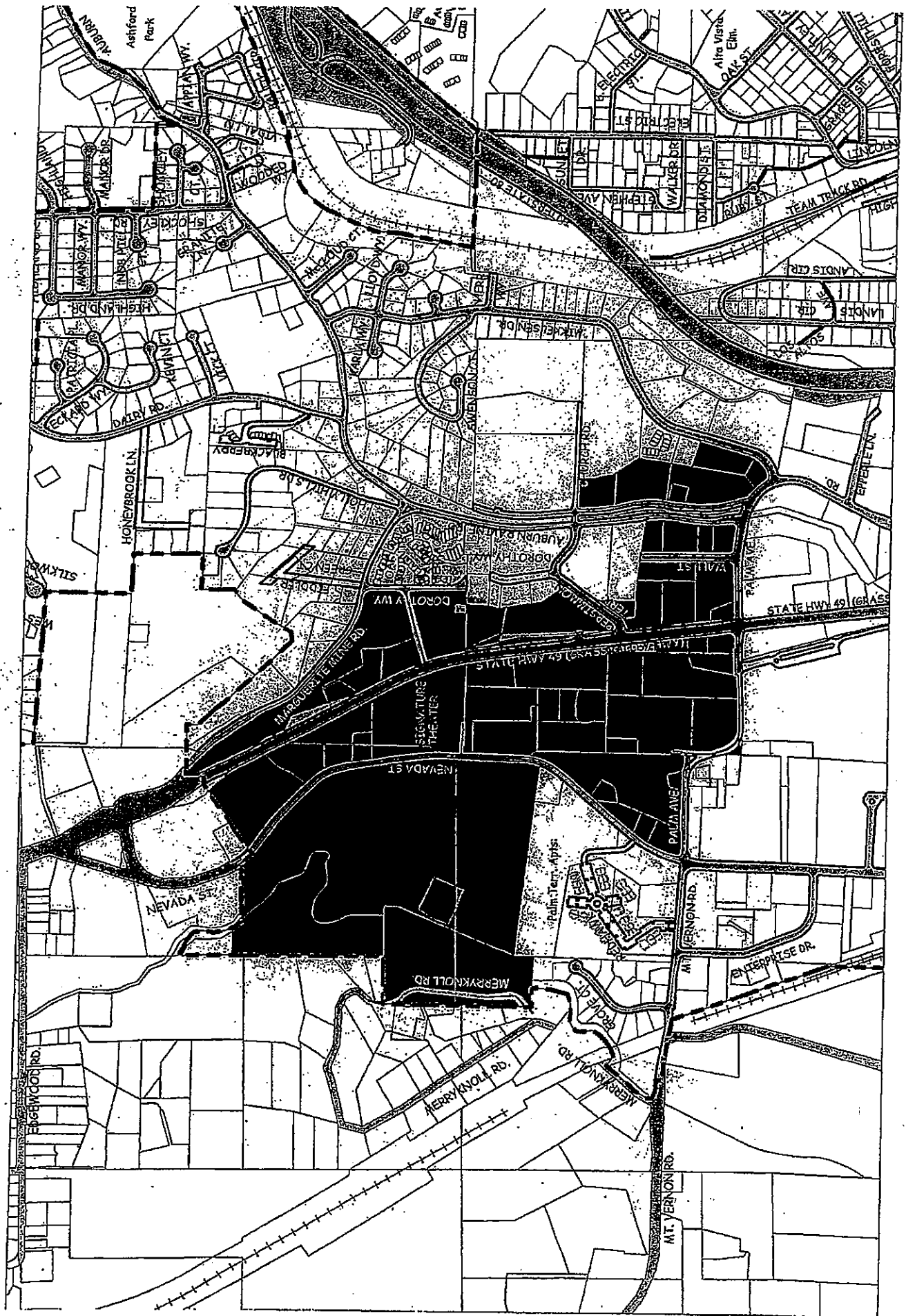
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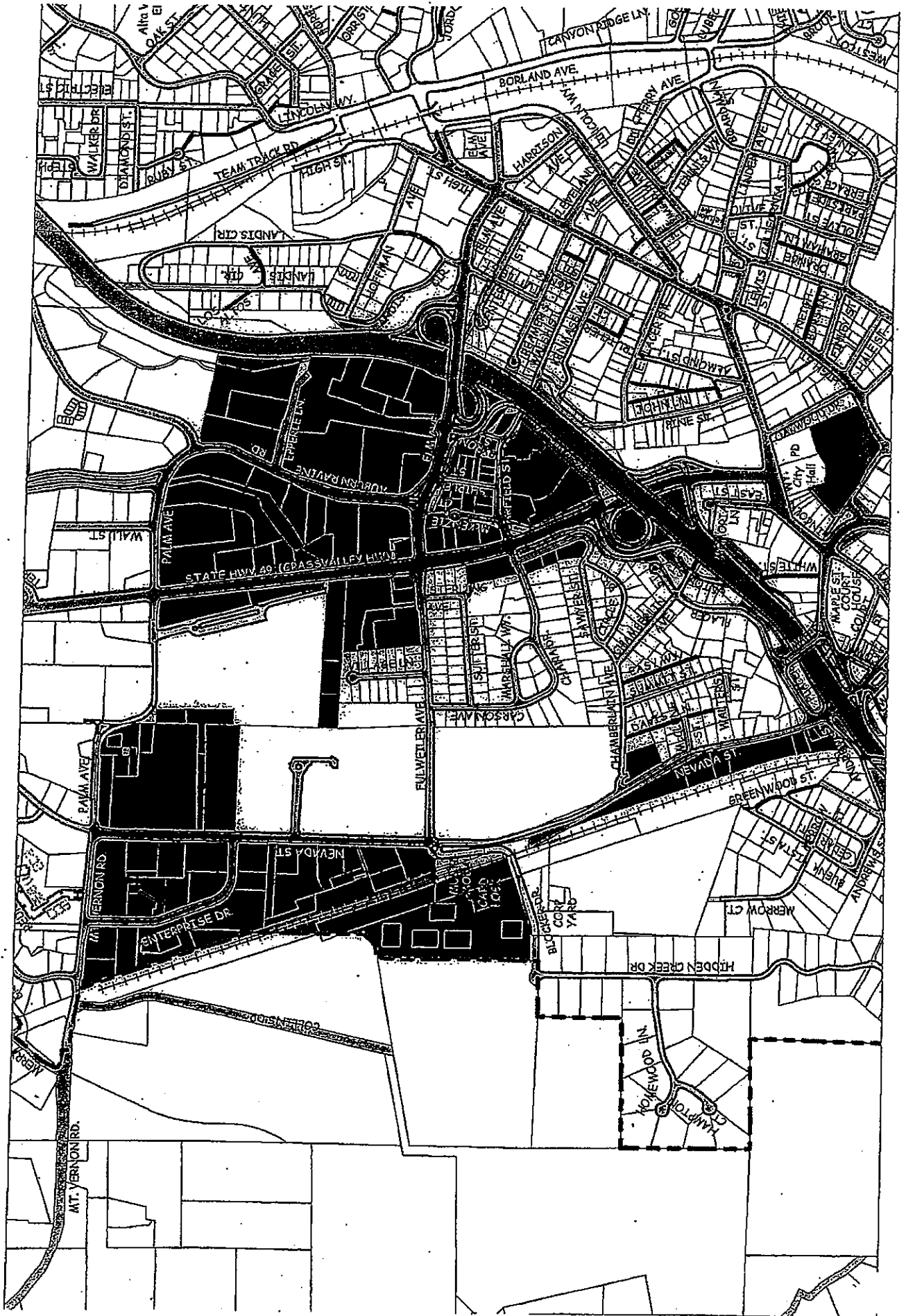




# EXHIBIT







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